

AN ORDINANCE

99640

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO USE FUNDS WITH THE GREATER KELLY DEVELOPMENT AUTHORITY ("GKDA") FOR THE PHASE I IMPROVEMENTS TO BILLY MITCHELL BOULEVARD IN AN AMOUNT NOT TO EXCEED \$558,580.00 TO BE APPROPRIATED AND PAID FROM 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS.

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WHEREAS, a bond election held on November 4, 2003 in the City of San Antonio authorized funds in the amount of \$2,600,000.00 to be expended on infrastructure improvements at KellyUSA in accordance with the KellyUSA Master Plan; and

WHEREAS, said Master Plan contained improvements to eighteen hundred (1800) feet of road known as Billy Mitchell Boulevard to include the construction of a four-lane arterial with traffic controls and updated signage, construction of a drainage system with increased capacity, and new curbs and sidewalks; and

WHEREAS, the Greater Kelly Development Authority ("GKDA") has agreed to oversee the construction of said improvements and has submitted an estimate of costs in the amount of \$558,580.00 that will be associated with the construction of the improvements; and

WHEREAS, the City of San Antonio has agreed to reimburse GKDA through an Agreement to Use Bond Funds for costs that meet the terms and conditions of the Agreement in an amount not to exceed \$558,580.00 for the Phase I improvements to Billy Mitchell Boulevard;
NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The terms and conditions of an Agreement to Use Funds (the "Agreement") between the City of San Antonio and the Greater Kelly Development Authority ("GKDA") in an amount not to exceed \$558,580.00 for the Phase I improvements to Billy Mitchell Boulevard are hereby approved. A final copy of the Agreement is attached hereto as "Exhibit A" and made a part of this ordinance.

SECTION 2. The City Manager or her designee is hereby authorized for 60 days following the effective date of this ordinance to execute the Agreement and any and all documents necessary to fulfill the purpose and intent of this ordinance.

SECTION 3. The amount of \$558,580.00 is appropriated in fund 45-801000, 2003 Street Bonds, in Index Code 932640, entitled "Transfer to 45-091088 Kelly USA." The amount of \$558,580.00 is authorized to be transferred from Fund 45-801000 to Fund 45-091088.

SECTION 4. The budget in Fund 45-091088, General Obligation Capital Projects, shall be revised by increasing Index Code 106955, entitled "Trf Fr 45-801000," by the amount of \$558,580.00

SECTION 5. The amount of \$507,800.00 is appropriated in Fund 45-091088, General Obligation Capital Projects, in Index Code 364620, entitled "GKDA: Construction," and is authorized to be encumbered and made payable to the Greater Kelly Development Authority for construction in connection with the KellyUSA Billy Mitchell Boulevard Phase I Project.

SECTION 6. The amount of \$50,780.00 is appropriated in Fund 45-091088, General Obligation Capital Projects, in Index Code 364638, entitled "GKDA: Construction Contingency," and is authorized to be encumbered and made payable to the Greater Kelly Development Authority for construction contingency expenses in connection with the KellyUSA Billy Mitchell Boulevard Phase I Project.

SECTION 7. The financial allocations in this Ordinance are subject to approval by the Director of Finance of the City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or her designee, correct allocations to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

SECTION 8. This ordinance shall be effective on and after the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 2nd day of September 2004.




M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney